



Docket No. 9988.059.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Soon Jo LEE et al.

Customer No. 30827

Application No.: 10/663,995

Confirmation No.: 1979

Filed: September 17, 2003

Art Unit: 3749

For: STRUCTURE FOR SHIELDING EXPOSED
PART OF CORE WIRE OF TERMINAL
BLOCK IN CLOTHES DRYER

Examiner: Stephen M. Gravini

MS Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' APPEAL BRIEF

Sir:

In response to a Final Rejection of all pending claims that was mailed on November 6, 2006 and an Advisory Action that was mailed on March 23, 2007, and in support of a "Notice of Appeal" filed April 6, 2007, Appellants hereby submit this Appeal Brief.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefore are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37(c):

I. Real Party In Interest

II. Related Appeals and Interferences

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III. Status of Claims

IV. Status of Amendments

- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Conclusion
- Claims Appendix
- Evidence Appendix
- Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is: LG Electronics Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Total Number of Claims in the Application

There are 1-10 claims pending in the application.

Current Status of Claims

Claims canceled: None.

Claims withdrawn from consideration but not canceled: None.

Claims pending: 1-10.

Claims allowed: None.

Claims rejected: 1-10.

Claims on Appeal: The claims on appeal are claims 1-10.

IV. STATUS OF AMENDMENTS

The Examiner issued a Final Rejection on November 6, 2006 and an Advisory Action on March 23, 2007. No amendment has been filed in response to this Final Rejection or Advisory Action. Accordingly, the claims enclosed herein in the Claims Appendix reflect the current status of claims 1-10.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a structure for shielding an exposed part of core wire of a terminal block in a clothes dryer (e.g., Figure 3). The structure comprises a base forming a floor (e.g., paragraph [0020] on page 7, Figure 1); a front cabinet forming a front portion of the clothes dryer (e.g., paragraph [0020] on page 7, Figure 1); a side cabinet forming a side portion of the clothes dryer (e.g., paragraph [0020] on page 7, Figure 1); a back cover forming a back side of the clothes dryer (e.g., paragraph [0020] on page 7, Figure 1); a top cover provided on a top surface of the front cabinet, the side cabinet and the back cover (e.g., paragraph [0020] on page 7, Figures 1 and 3); a control panel provided on a rear portion of the top cover (e.g., paragraph [0020] on page 7, Figures 1 and 3); and a terminal block provided on an inside of the control panel (e.g., paragraph [0020] on page 7, Figure 3). The terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion (e.g., paragraphs [0020] to [0023] on pages 7 and 8, Figure 3).

Independent claim 4 is directed to a laundry dryer control panel (e.g., Figure 3) comprising a terminal block disposed within the laundry dryer control panel (e.g., paragraphs [0020] to [0023] on pages 7-8, Figure 3), the terminal block including a back portion placed on the control panel and a front portion having a bottom part and an uppermost part (e.g., paragraphs [0020] to [0023] on pages 7-8, Figure 3); a wall extending below the terminal block bottom part and above the terminal block uppermost part (e.g., paragraphs [0020] to [0023] on pages 7-8, Figure 3); a first wire extending out of the terminal block bottom part (e.g., paragraphs [0020] to [0023] on pages 7-8, Figure 3); and a second wire extending out of the terminal block uppermost part (e.g., paragraphs [0020] to [0023] on pages 7-8, Figure 3), wherein the wall extends from the terminal block such that the wall shields portions of exposed cores of the first wire and the second wire (e.g., paragraphs [0020] to [0023] on pages 7-8, Figure 3).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- (A) Whether the rejection of claims 4-6 and 9-10 is proper under 35 U.S.C. § 102(b) as being anticipated by EP 0 889 556 (hereinafter *Douty*).
- (B) Whether the rejection of claims 1, 3, 7, and 8 is proper under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,742,708 (hereinafter *McCormick*) in view of U.S. Patent No. 4,030,802 (hereinafter *Lennon*).
- (C) Whether the rejection of claim 2 is proper under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of U.S. Patent No. 4,010,996 (hereinafter *Hopkins*) in further view of U.S. Patent No. 4,820,189 (hereinafter *Sergeant*).

VII. ARGUMENT

A. **The Examiner improperly rejected claims 4-6 and 9-10 under 35 U.S.C. § 102(b) as being anticipated by *Douty*.**

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, “the reference must teach every element of the claim.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Douty fails to expressly or inherently teach each and every element, as recited in independent claim 4. For example, independent claim 4 recites a laundry dryer control panel comprising, *inter alia*, a “terminal block disposed within the laundry dryer control panel, the terminal block including a back portion placed on the control panel.” In setting forth the rejection, the Examiner asserts that *Douty*’s terminal block 10 is disposed within a laundry dryer control panel. See the final *Office Action* at page 2. The Examiner, however, is incorrect in his assertions. Specifically, *Douty* discloses a terminal block mountable without fasteners in a panel cutout 152 such as a power port of an appliance. See *Douty* at Abstract. However, *Douty*’s panel cutout 152 is not a laundry dryer control panel, and *Douty*’s terminal block 10 does not include a back portion placed on a laundry dryer control panel, as required by claim 4.

Additionally, independent claim 4 recites a laundry dryer control panel comprising, *inter alia*, “a wall extending below the terminal block bottom part and above the terminal block uppermost part.” *Douty* does not disclose at least these features, as recited. In setting forth the rejection, the Examiner asserts that termination site 20, skirt 22, and end wall 26 are the claimed wall. See the final *Office Action* at page 2. However, the Examiner’s interpretation of *Douty* is

simply wrong, as the Examiner has inappropriately relied upon the disclosure of *Douty* in an attempt to support an unfounded allegation of anticipation. In this regard, for example, the Examiner completely ignores the requirement that the wall extends “below” the “bottom” part of the terminal block and “above” the “uppermost” part of the terminal block. This is at least evidenced by the fact that termination site 20, skirt 22, and end wall 26 do not extend “below” the bottom part of terminal block 10 or “above” the uppermost part of the terminal block. Moreover, as illustrated in Figure 1, the termination sites 20 are located at a central portion of the terminal block, and thus the termination sites 20 clearly do not extend “below” or “above” the terminal block.

Furthermore, independent claim 4 recites a laundry dryer control panel comprising, *inter alia*, “a first wire extending out of the terminal block bottom part; and a second wire extending out of the terminal block uppermost part wherein the wall extends from the terminal block such that the wall shields portions of exposed cores of the first wire and the second wire.” *Douty* does not disclose at least these features, as recited. In setting forth the rejection, the Examiner asserts that *Douty*’s power cable 192 is the claimed first wire and *Douty*’s internal wires 186 are the claimed second wire. However, power cable 192 and internal wires 186 fail to anticipate Appellants’ claimed features of a first wire and a second wire at least since power cable 192 and internal wires 186 do not include portions of “exposed cores” that extend “below” a bottom portion of the terminal block and/or “above” an uppermost portion of the terminal block. Rather, as illustrated in Figures 5-6, *Douty* discloses a power cable 192 and internal wires 186, which are completely insulated beyond terminal block 10. See *Douty* at column 5, lines 9-20.

Therefore, for at least each of the aforementioned reasons, as well as those that were previously submitted, Appellants submit that the rejection of independent claim 4 is improper and should be reversed. Additionally, for reasons similar to those mentioned above, Appellants

submit that the rejection of dependent claims 5-6 and 9-10 are likewise improper and should also be reversed. Accordingly, Appellants submit that the rejection of claims 4-6 and 9-10 under 35 U.S.C. § 102(b) is improper and should be reversed.

B. The Examiner improperly rejected claims 1, 3, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Lennon*.

As required in Chapter 2143.03 of the M.P.E.P., in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.

McCormick and *Lennon*, taken singularly or in combination, fail to disclose or suggest each and every feature recited in independent claim 1. For example, independent claim 1 recites a structure for shielding an exposed part of core wire of a terminal block in a clothes dryer comprising, *inter alia*, “a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion.”

The Examiner admits that *McCormick* fails to disclose at least these features, as recited. See final *Office Action* at page 4. However, in setting forth the rejection, the Examiner asserts that the raised back portion 217 of cabinet 20 is the claimed control panel. Appellants disagree. Turning to Figure 4, which illustrates a vertical sectional view, Appellants submit that *McCormick* does not disclose at least a terminal block provided on an inside of the raised back portion 217, as required by independent claim 1.

Lennon fails to cure the deficiencies of *McCormick*. Specifically, *Lennon* fails to disclose a structure for shielding an exposed part of core wire of a terminal block in a clothes

dryer comprising, *inter alia*, “a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion,” as recited in independent claim 1. In setting forth the rejection, the Examiner relies upon *Lennon* at column 4, line 42 to column 9, line 11, and Figures 1-6. That is, the Examiner fails to identify or point out with specificity these alleged features or teachings within *Lennon*. Nevertheless, Appellants submit that *Lennon* fails to describe or illustrate at least the above-mentioned features, as recited in independent claim 1.

Specifically, *Lennon* discloses a terminal block assembly 11 and a multiple connector assembly for an electrically energized device, such as a sequence timer 13. See *Lennon* at Abstract and column 4, lines 42-79, as well as Figures 1-2. However, *Lennon* does not disclose at least “a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion provided on the control panel.” Moreover, *Lennon* does not even mention the term, “control panel” in U.S. Patent No. 4,030,802, particularly column 4, line 42 to column 9, line 11, as relied upon by the Examiner.

Additionally, *Lennon* fails to disclose or suggest, *inter alia*, “a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion,” as recited in independent claim 1. In the final *Office Action*, the Examiner alleges that these features are “considered to be met in *Lennon* because it can be seen from Figures 2, 3, and 5 that the wall is configured for the intended use as claimed.” See final *Office Action* at page 7. Appellants, however, can find no disclosure or suggestion of Appellants claimed “wall,” in *Lennon*. Consequently, Figures 2, 3,

and/or 5 of *Lennon* cannot possibly teach the features of the claim or the intended purpose of the claim, as alleged by the Examiner.

Moreover, it is unclear what elements of *Lennon* that the Examiner has interpreted, if at all, to be the claimed wall. Nevertheless, assuming, *in arguendo*, that the Examiner intended to interpret the *Lennon*'s support plate 47 as being the claimed wall, Appellants submit that such an interpretation is deficient and improper. In contrast to the claimed wall, the support plate 47 is fitted to a surface of housing 15 such that it does not extend "below" housing 15 or multiple connector assembly 21. That is, *Lennon*'s support plate 47 is not "configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion," as required by claim 1.

Furthermore, *Lennon* fails to disclose or suggest, *inter alia*, "parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion." Assuming, *in arguendo*, that the Examiner intended to interpret the *Lennon*'s leads 35 as being these features, Appellants submit that such an interpretation is deficient and improper. In direct contrast to an exposed "core of a wire," Appellants submit that the leads 35, as disclosed by *Lennon*, are insulated electrical conductors and thus a "core of a wire" is electrically insulated and not exposed. See *Lennon* at column 7, lines 3-12, as well as Figures 1 and 2.

Therefore, for at least each of the aforementioned reasons, as well as those that were previously submitted, Appellants submit that the rejection of independent claim 1 is improper and should be reversed. Additionally, for reasons similar to those mentioned above, Appellants submit that the rejection of dependent claims 3 and 7-8 are likewise improper and should also be reversed. Accordingly, Appellants submit that the rejection of claims 1, 3, and 7-8 under 35 U.S.C. § 103(a) is improper and should be reversed.

C. The Examiner improperly rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Hopkins* in further view of *Sergeant*.

As required in Chapter 2143.03 of the M.P.E.P., in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.

McCormick, *Hopkins*, and *Sergeant*, taken singularly or in combination, fail to disclose or suggest each and every feature recited in independent claim 1 from which claim 2 depends. For example, independent claim 1 recites a structure for shielding an exposed part of core wire of a terminal block in a clothes dryer comprising, *inter alia*, “a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion.”

In setting forth the rejection, the Examiner asserts that *McCormick* in view of *Hopkins* is considered to disclose the claimed invention, as discussed above under the obviousness rejection except for the claimed wall. See final *Office Action* at page 4. Appellants submit that the Examiner’s assertion is unsubstantiated. Prior to page 4, the Examiner never discusses in the final *Office Action* how the proposed combination of *McCormick* and *Hopkins* discloses or suggests the combination of features recited in claim 2. In this regard, Appellants do not know what portions, if any, of *McCormick* are being relied upon in the rejection of claim 2. Similarly, Appellants do not know what portions, if any, of *Hopkins* are being relied upon by the Examiner in the rejection of claim 2. Moreover, Appellants submit that the rejection of claim 2 is further deficient at least since the Examiner has not provided any suggestion, reasoning, or motivation

for why one of ordinary skill in the art would combine the teachings of *McCormick* and *Hopkins*. Nevertheless, *in arguendo*, Appellants submit that *McCormick* fails to disclose the features of claim 1, as discussed above. See at least Section VII, B of this *Appeal Brief*. In addition, *Hopkins* discloses an intrinsic certification assembly technique, but does not disclose the features recited in claim 1. See *Hopkins* at Abstract.

Sergeant fails to cure the deficiencies of *McCormick* and *Hopkins*. For example, *Sergeant* does not disclose or suggest, *inter alia*, “a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion.” In setting forth the rejection, the Examiner relies upon column 4, lines 1-12 of *Sergeant* for these alleged teachings. Appellants disagree. In column 4, lines 1-12, *Sergeant* discloses a terminal block 20 of a first embodiment. However, as illustrated in Figures 1A and 1B, the terminal block 20 is not “provided on an inside of the control panel” and the terminal block does not have a “back portion placed on the control panel,” as required by Appellants’ claims. Rather, *Sergeant* discloses a terminal block 20 that is mounted to a bottom, rear portion of an electric range 10. See *Sergeant* at Figures 1A and 1B. Further, in this first embodiment, *Sergeant* also fails to disclose Appellants’ claimed wall, as well as “a core of a wire” that is exposed, as required by independent claim 1.

In addition, the Examiner also relies upon Figures 2, 3, and 5 of *Sergeant* in rejecting claim 2. However, Appellants submit that Figures 2, 3, and 5 of *Sergeant* do not cure the above-mentioned deficiencies. In this regard, for example, Appellants submit that Figures 2-5 of *Sergeant* do not illustrate a terminal block in which exposed portions of wires extend above or

below the terminal block. In other words, due to the *Sergeant*'s shortcomings, *Sergeant* is unable to supply the deficiencies of *McCormick* and *Hopkins*.

Moreover, Figures 2, 3, and 5 of *Sergeant* refer to a second embodiment and not to the same embodiment disclosed in column 4, lines 1-12 of *Sergeant*, which the Examiner previously relied upon. In this regard, Appellants submit that it is improper for the Examiner to combine the first embodiment and the second embodiment of *Sergeant* without providing any suggestion, reasoning, or motivation for the proposed combination.

Therefore, for at least each of the aforementioned reasons, as well as those that were previously submitted, Appellants submit that the rejection of independent claim 1 is improper and should be reversed. Additionally, for reasons similar to those mentioned above, Appellants submit that the rejection of dependent claim 2 is likewise improper and should also be reversed. Accordingly, Appellants submit that the rejection of claims 1-2 under 35 U.S.C. § 103(a) is improper and should be reversed.

VIII. CONCLUSION

For at least the reasons discussed above, Appellants submit that claims 4-6 and 9-10 are improperly rejected under 35 U.S.C. § 102(b) as being anticipated by *Douty*. Claims 1, 3, 7, and 8 are improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Lennon*. Claim 2 is improperly under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Hopkins* in further view of *Sergeant*.

This Honorable Board is respectfully requested to reverse the rejections set forth in the final *Office Action* and direct the Examiner to pass the present application to issue.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37

Respectfully submitted,

By Mark R. Kresloff
 Registration No. 42,766
 McKENNA LONG & ALDRIDGE LLP
 1900 K Street, N.W.
 Washington, DC 20006
 (202) 496-7500
 Attorneys for Appellants

CLAIMS APPENDIX

Claims Involved In The Appeal Of Application No. 10/663,995:

1. (Previously Presented) A structure for shielding an exposed part of core wire of a terminal block in a clothes dryer comprising:

a base forming a floor;

a front cabinet forming a front portion of the clothes dryer;

a side cabinet forming a side portion of the clothes dryer;

a back cover forming a back side of the clothes dryer;

a top cover provided on a top surface of the front cabinet, the side cabinet and the back cover;

a control panel provided on a rear portion of the top cover; and

a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion.

2. (Previously Presented) The structure for shielding an exposed part of core wire of a terminal block in a clothes dryer of claim 1, wherein the wall for shielding the exposed part of core wire covers a first connector connecting a lower part of the terminal block with a power cord wire and a second connector connecting an upper part of the terminal block with a power cord wire from a front portion of the terminal block and a side portion of the terminal block.

3. (Original) The structure for shielding an exposed part of core wire of a terminal block in a clothes dryer of claim 1, wherein the wall for shielding the exposed part of core wire and the terminal block are formed as a single body when forming the terminal block.

4. (Previously Presented) A laundry dryer control panel comprising:
a terminal block disposed within the laundry dryer control panel, the terminal block including a back portion placed on the control panel and a front portion having a bottom part and an uppermost part;

a wall extending below the terminal block bottom part and above the terminal block uppermost part;

a first wire extending out of the terminal block bottom part; and

a second wire extending out of the terminal block uppermost part wherein the wall extends from the terminal block such that the wall shields portions of exposed cores of the first wire and the second wire.

5. (Previously Presented) The laundry dryer control panel of claim 4, wherein the wall covers a first connector coupling the terminal block bottom part with a first power wire and a second connector coupling the terminal block uppermost part with a second power wire from a first side of the terminal block and a second side of the terminal block.

6. (Previously Presented) The laundry dryer control panel of claim 4, wherein the wall and the terminal block are formed as a single body.

7. (Previously Presented) The structure according to claim 1, wherein the parts exposing cores of the wire include a first part spaced from the terminal block and a second part spaced from the terminal block.

8. (Previously Presented) The structure according to claim 7, wherein the wall is sized such that the wall has an end that extends beyond the first part and another end that extends beyond the second part.

9. (Previously Presented) The laundry dryer control panel according to claim 4, wherein the portions of exposed cores of the wire include a first part spaced from the terminal block and a second part spaced from the terminal block.

10. (Previously Presented) The laundry dryer control panel according to claim 9, wherein the wall is sized such that the wall has an end that extends beyond the first portion and another end that extends beyond the second portion.

EVIDENCE APPENDIX

Evidence:

None.

RELATED PROCEEDINGS APPENDIX

Related Proceedings:

None.